## **DOCKET FILE COPY ORIGINAL**

and the second

LAW OFFICES

# COHN AND MARKS

JOEL H. LEVY
ROBERT B. JACOBI
ROY R. RUSSO
RONALD A. SIEGEL
LAWRENCE N. COHN
RICHARD A. HELMICK
WAYNE COY, JR.
J. BRIAN DE BOICE

SUSAN V. SACHS KEVIN M. GOLDBERG JOSEPH M. DI SCIPIO SUITE 300 1920 N STREET N.W. WASHINGTON, D.C. 20036-1622

OF COUNSEL
MARCUS COHN
LEONARD H. MARKS
STANLEY S. NEUSTADT
RICHARD M. SCHMIDT, JR.

TELEPHONE (202) 293-3860

FACSIMILE (202) 293-4827

HOMEPAGE WWW.COHNMARKS.COM

DIRECT DIAL: INTERNET ADDRESS:

February 12, 1998

Ms. Magalie R. Salas Secretary Federal Communications Commission 1919 M Street, NW Room 222 Washington, DC 20554

Dear Ms. Salas

On behalf of Heftel Broadcasting Corporation ("Heftel"), there are herewith submitted an original and four (4) copies of its Further Reply Comments in MM Docket No. 97-91 (RM-8854).

No. of Copies recid Of Y List ABCDE

#### **BEFORE THE**

# Federal Communications Commission

In the Matter of	
Amendment of Section 73.202(b), Table of Allotments,	) MM Docket No. 97-91 ) RM-8854
FM Broadcast Stations.	) PECEIVED
Lewisville, Gainesville, Robinson,	The state of the s
Corsicana, Jacksboro, and Mineral Wells, Texas	FEB 1210.3
To: Chief, Allocations Branch	FEDERAL COMMERCIONO DI COMMECCI. OFFEDE OTTALI SCOREDISA

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

### Further Reply Comments

Heftel Broadcasting Corporation ("Heftel"), by its counsel, pursuant to Section 1.405 of the Commission's Rules, hereby submits these Further Reply Comments with reference to the pending application filed by Jerry Snyder and Associates, Inc. ("Snyder"), licensee of Station KYXS(FM), Mineral Wells, Texas, to change the station's operating channel from 240C3 to 240C1 (BPH-961125IG).

See FCC Public Notice dated January 28, 1998 (Report No. 2251) ("Notice").

The Notice states that the Snyder application is being considered as a counterproposal in MM Docket No 97-91 (RM 8854), a proceeding

which was initiated by the Commission in response to Heftel's Petition for Rulemaking and one in which Heftel has participated actively. Heftel has provided its evaluation of the respective public interest attributes of its proposal and those of the aforesaid Snyder application/counterproposal (as presently constituted) in its Comments filed May 5, 1997. More specifically, Heftel demonstrated in its Comments that adoption of its proposal would provide considerably greater benefit to the public than would the adoption of Snyder's current counterproposal. <sup>1</sup>/ Those views are hereby incorporated by reference in these Further Reply Comments.

Respectfully submitted

HEFTEL BROADCASTING CORPORATION

By:

Roy R. Russo
Lawrence N. Cohn
Cohn and Marks
1920 N Street, NW
Suite 300
Washington, DC 20036
(202) 452-4817
Counsel for Heftel

Broadcasting Corporation

Dated: February 12, 1998

Notwithstanding the foregoing, Heftel has entered an agreement with Snyder which, it believes, would serve the public interest because it would allow for the approval of Heftel's proposal and approval of Snyder's application as amended to specify a new transmitter location.

### Certificate of Service

I, Michelle A. Bundy, a secretary in the law firm of Cohn and Marks, hereby certify that I have, this 12th day of February, 1998, sent by U.S. mail, postage prepaid, the foregoing FURTHER REPLY COMMENTS to the following:

Robert Healy, Esq.
Smithwick & Belendiuk, P.C.
Suite 510
1990 M Street, NW
Washington, DC 20036
Counsel for Jerry Snyder
and Associates, Inc.

Mark N. Lipp, Esq.
Ginsburg, Feldman & Bress
1250 Connecticut Avenue, NW
Washington, DC 20036
Counsel for Hunt Broadcasting, Inc.

Harry C. Martin, Esq.
Andrew S. Kersting, Esq.
Fletcher Heald & Hildreth, P.L.C.
1300 North 17th Street
11th Floor
Rosslyn, Virginia 22209
Counsel for Metro Broadcasters-Texas, Inc.

Erwin G. Krasnow, Esq.
Verner Liipfert Bernhard
McPherson & Hand, Chartered
901 15th Street, NW
Suite 700
Washington, DC 20005-2301
Counsel for Graham Newspapers, Inc.

Michelle A. Bundy